

1
2 a non-licensee to provide a release for
3 their mental and mental health and/or
4 medical records?

5 A An example would be in an
6 incident in which a household member was
7 transported to a mental health facility
8 by the police.

9 Q And if Matthew LaMarco had
10 refused to provide his medical records,
11 is that a situation that would likely
12 have resulted in the revocation of the
13 LaMarcos' pistol license?

14 A That I couldn't tell you
15 based on the specifics.

16 Q In your experience in the
17 Pistol Licensing Bureau, have you seen or
18 experienced other non-licensees provide
19 this release to the bureau or this type
20 of a release?

21 A It has been used in other
22 cases, I don't remember specific details.

23 Q Can you recall, not the
24 specifics, but whether in the past a
25 licensee had been unable to or refused to

1
2 provide this type of release from their
3 household member or family member?

4 A No, I can't.

5 Q As you sit here is it your
6 general recollection that when asked,
7 licensees typically provide or obtain the
8 release for medical records of their
9 household members?

10 A From what I am aware of, I
11 believe so.

12 Q So once this authorization is
13 received, is the next step getting the
14 medical records from the hospital or
15 facility?

16 A That would be one of the
17 steps.

18 Q What would be another step?

19 A Whatever other aspects of
20 their investigation. I can't give you
21 specific details. Depending on what else
22 we are working on references a specific
23 investigation.

24 Q So that would be a part of
25 whatever investigation they're

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

68

that's the request --

A It appears that's the request, yes.

Q -- to Catholic Charities?

In your experience, have you encountered circumstances where the mental health professional will not provide any professional opinion as to whether a non-licensee is fit to reside in a home with firearms?

A I believe it has happened. I'm trying to recall a specific. Yes.

Q If you can't get a mental health professional to say that family member is competent to live in a home with firearms, then what's the policy, when you were there in the Pistol Licensing Bureau, for reinstatement of that pistol license?

A Well, I've had, I'm trying to remember specific, I've had it where people had issues getting medical notification from a medical expert, but I don't recall any incident where they

1
2 couldn't get anything from somebody who
3 is in the medical profession that's an
4 expert in the field.

5 Q But without a mental health
6 professional or a medical professional's
7 letter saying that this person is okay to
8 live in the home with firearms, what is
9 the rule or what was the rule in the
10 Pistol Licensing Bureau about reinstating
11 that pistol license? And again, we're
12 talking about a family member or a
13 household member, not the licensee who
14 needs to get the letter.

15 A It would require someone in
16 the medical expert in -- in this case,
17 medical expert to be able to provide
18 documentation before the pistol license
19 would be reinstated, before we could
20 reinstate.

21 Q The license?

22 A The license.

23 Q And if you go down to the
24 next paragraph, the second sentence, "I
25 am aware that the information disclosed

1
2 could look back on that, look into the
3 pistol licensing book to determine a
4 specific term or section, but if someone
5 in the household did have a mental health
6 incident, it was a possibility for a
7 suspension.

8 Q So she is unfit because the
9 pistol license handbook defined her as
10 being unfit for not reporting the
11 incident or for living with someone who
12 had a mental assist?

13 MS. ZWILLING: Objection.

14 You may answer.

15 A Okay, it appears that as a
16 combination of both, having someone -- a
17 household member with a mental health
18 assist incident and failure to notify the
19 office.

20 Q Other than the pistol
21 licensing handbook, are you aware of any
22 other state statute or federal law that
23 renders, like a felony conviction,
24 renders someone ineligible or
25 disqualified from possessing firearms

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

75

because someone else has a mental health
issue?

A I'm not familiar with the law
in that nature.

Q So your point of reference is
solely what's written in the pistol
licensing handbook?

A I followed what was in the
pistol licensing handbook.

Q And under the notice of
suspension, Diane LaMarco was required to
surrender pistol license and all
handguns; is that correct?

A Yes.

Q Was she also required to
surrender rifles and shotguns, if you can
recall, under Penal Law Section 400?

A I can't recall.

Q Further down she was also
directed to provide the Pistol Licensing
Bureau with a sworn statement in her own
words explaining in detail the
circumstances surrounding the incident,
correct?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Yes.

Q And if you turn to the next page, that's a Pistol License Notice of Suspension Hearing, that's exactly the same but with regard to Mr. Thomas LaMarco, correct?

A Yes.

Q And if you turn the page again, do you recognize this document?

A Yes.

Q It is dated May 27th, so that's why I was asking. This is a letter from Thomas and Diane LaMarco to the Pistol Licensing Bureau explaining the incident that led to their son's transport for a mental health evaluation; is that right?

A Yes.

Q Do you recall when you saw this for the first time?

A No.

Q Now, in this letter in the second paragraph, it says, "The LaMarcos indicate that they have always kept their

1
2 firearms in a closet that has a
3 combination lock and that locks
4 automatically when closed in a safe
5 within that closet and with a trigger
6 lock at all times." Do you see that in
7 the second paragraph?

8 A Yes.

9 Q If true, does the fact that
10 their firearms are safely secured from
11 third parties change the circumstances
12 with regard to the reinstatement of their
13 pistol license? In other words, they're
14 saying their son has no access to these
15 firearms, is it still necessary under the
16 policies and procedures to look through
17 the medical records and make a
18 determination about their license and
19 whether it could be reinstated?

20 A We'd have to refer to the
21 medical experts that it would be safe to
22 have the firearms in the house.

23 Q Even if they're completely
24 locked up in a closet in a safe with a
25 combination lock with trigger locks that

78

1
2 the son has no access to, you still would
3 need an approval from a mental health
4 professional in order to reinstate the
5 LaMarcos' pistol license?

6 A We would have to continue
7 investigation to verify these facts and
8 to get a medical expert's opinion on the
9 subject.

10 Q Assuming that a police
11 officer verified that they have
12 everything locked up, let's assume that,
13 you would still need an expert medical
14 opinion that the son could remain in the
15 house with the firearms; is that
16 accurate?

17 A We would require a medical
18 expert's professional opinion on this,
19 yes.

20 Q About Matthew?

21 A Yes.

22 Q I am going to show you what
23 has been marked as Exhibit 3. Exhibit 3
24 is entitled Defendants' Initial
25 Disclosures Pursuant to Rule 26(a)(1)(A),